

Assembly Bill No. 1010

CHAPTER 659

An act to add Section 633.05 to the Penal Code, relating to law enforcement.

[Approved by Governor October 9, 2011. Filed with
Secretary of State October 9, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1010, Furutani. Law enforcement: communications.

Existing law prohibits a variety of electronic eavesdropping, such as wiretapping and electronic recording that is done without a person's permission or knowledge. Existing law provides that violations of these provisions are crimes. Existing law exempts a variety of law enforcement entities from these prohibitions when acting within the scope of their authority.

This bill would additionally provide that a city attorney acting under the authority granted by the district attorney of the county to prosecute misdemeanors, as specified, provided that the authorization is granted prior to January 1, 2012, would be exempt from certain of these prohibitions, including eavesdropping on or recording confidential communications, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 633.05 is added to the Penal Code, to read:

633.05. (a) Nothing in Section 632, 632.5, 632.6, or 632.7 prohibits a city attorney acting under authority of Section 41803.5 of the Government Code, provided that authority is granted prior to January 1, 2012, or any person acting pursuant to the direction of one of those city attorneys acting within the scope of his or her authority, from overhearing or recording any communication that they could lawfully overhear or record.

(b) Nothing in Section 632, 632.5, 632.6, or 632.7 renders inadmissible any evidence obtained by the above-named persons by means of overhearing or recording any communication that they could lawfully overhear or record.